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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/803,527 | 03/08/2001 | Mark J. McArdle | 02114P017 | 2827 |

7590 04/24/2006
ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

CHOUDHURY, AZIZUL Q

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2145

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/803,527

Applicant(s)

MCARDLE ET AL.

Examiner

Azizul Choudhury

Art Unit

2145

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-2, 4, 6-17, 19, 21, 24, 26, and 28-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


JASON CARDONE
SUPERVISORY PATENT EXAMINER AC

Continuation of 11. does NOT place the application in condition for allowance because: The claim amendments introduce no new matter hence, the examiner stands by his final office action rejection. Within the remarks portion of the after final amendment, the applicant's representative presents six points of contention. The first point of contention involves the trait, "identification of each port...by an element identifier field, a field containing filter settings, and a log indicator field." The examiner would like to point the applicant's representative to the Coss prior art. In Coss, in between columns 3 and 4, a chart is listed. The chart details the contents of the rules and under the "Service" category, it is clearly listed how service group or protocol port information is referred to. Under "Source Host" and "Destination Host" it is clearly listed how identifiers are used. As for the log trait, this is equivalent to the "Audit Session" category of the chart, listed under column 5. Finally, the filter settings traits is equivalent to the "Action" category of the chart. The second point of contention involves the various protocols claimed. The examiner stands by the rejection that no limit is placed by either art as to what types of protocols can be handled within the firewall designs. Furthermore, claim 8 of Minear's design demonstrates how multiple protocols are applicable to the design. The third point of contention involves the trait of a "default setting for a high security policy..." The feature was deemed obvious but the applicant's representative requests evidence. The examiner directs the applicant's representative towards patent application 6938096 which clearly demonstrates how such a feature is well known in the art. The fourth point of contention involves the trait of a data structure stored as an XML document. Again, the applicant's representative asks for evidence of the existence of such a feature. The examiner directs the applicant's representative's attention towards patent applications 6842737, 6826542 and 6593943 as evidence of the existence of this trait. The fifth point of contention involves the trait of "comprising at least one address outside the zone." The Coss prior art sufficiently teaches this feature. Figure 5A indicates the comparison of address versus a table and figure 7 clearly indicates how the address range is considered and an appropriate response is performed based on the address range. Finally, the sixth point of contention involves the dynamic address assignment features. Such features are well known in the art and for future reference, the following RFC documents should be reviewed. For dynamic address assignment based on registry information, refer to NETBIOS RFC 1001. For dynamic address assignment based on traffic, refer to MANET RFC 2501. And for dynamic address assignment based on TCP/IP connection, refer to DHCP RFC 2131.